1:Vaillant A-5 (1928-1936)1941 NU7 Aztec NU7



tated against the social advantages of the gathering. To steal corn, the staple of life, when growing in the field, was a serious offense, demanding the death penalty or slavery, but a wayfarer might with impunity satisfy his hunger by plucking ears from rows adjacent to the road. To filch gold, silver and jade, precious substances reserved for religious ornaments, was also a mortal crime.

Murder, even of a slave, brought the death penalty. Rebels and traitors received the same fate, but kidnapers were sold into slavery. Drunkenness was a serious crime except at prescribed ceremonial occasions. Social disapproval, public disgrace, even death by stoning or beating, were penalties suffered by the intemperate. However, the old of both sexes, who had fulfilled their tribal obligations, were allowed great latitude in their potations.

The witch or practicer of black magic was sacrificed, and death was likewise the lot of him who impersonated a high official. A slanderer had his lips cut off and sometimes his ears as well. Brawling and fighting in the market place were dealt with severely, but in an ordinary case of assault the assailant paid for the cure of the assailed and for any damage done. Adultery was punished with great severity, even death, when committed outside the pale of the divorce laws. Hanging was the usual penalty for violation of the incest laws, and sodomy was punished with revolting brutality.

Thus reduced to cited instances, Aztec law was brutal. Actually, from childhood on, the individual grew up into correct social behavior; the violator of the code met with serious consequences. All people had some kind of personal property, but land belonged to the tribe and only its produce to the individual. Therefore, the elaborate legislation

16:Bandelier E-4 (no date) 1880 NU7 Aztec NU7



685 In the above review of those offences and their punishments,
671 immediately connected with that rule of tribal society which
212 places the persons and property of the members of a kin under that kin's special protection, we cannot pretend to have furnished more than illustrations, and not at all a full catalogue. Still, enough has been told, we believe, to explain what is frequently styled the "penal code" of the ancient Mexicans. It is well known, that no actual written laws existed, but on the other hand, at the time of the Spanish conquest, the natives still had a large number of paintings which represented their own manners and customs. Since a considerable proportion of these picture-leaves bore on the same subjects, the inference could be easily drawn that they indicated forms for the guidance of the people, or in other words, that they were a substitute for a written code. This was not at all their object. They were simply efforts of native art intended to represent scenes of everyday life, since these were the most handy subjects for such purposes. Therefore such pictures are to be regarded as convenient remains of aboriginal art, out of which many details concerning aboriginal customs may be gathered, but not as "official" sources, from which to seek information as to the "law of the land."[141]

plata y oro lo desollaban vivo y sacrificaban al dios de los plateros, que llamaban Xipe, y lo sacaban por las calles para escarmiento de otros, por ser el delito contra el dios fingido." This sacrifice to one particular Idol, however, is neither mentioned by Torquemada nor by his predecessor and main source, Mendieta. *Clavigero* (Lib. VII, cap. XVII. p. 487) copies Vetancurt almost textually. So does *Ortega* (Vol. III, p. 225, Appendix to *Veytia's "Hist. Antigua"*). *Bustamante* (*"Tezcoco,"* p. 196) copies the former again. Still it is singular that the older the source, that is, the nearer in date to the time of the conquest, the less positive it is on the point of sacrifice. It will be safe to admit that the criminal was killed for a crime committed against worship, without insisting upon a particular place or mode of punishment.

[141] Elsewhere (*"On the Sources for Aboriginal History of Spanish America,"* in Vol. XXVII of the *"Proceedings of the American Association for Advancement of Science,"* 1878) I have attempted a discussion of the nature of Mexican paintings, and of their value as sources of history. I will add here but two positive declarations, on the subjects of the paintings, which I had not noticed at the time the above paper was read at St. Louis, Missouri, Aug., 1878. *Juan de Solorzano-Pereyra* (*"Disputationem de Indiarum Jure,"* 1629, Vol. I, Lib. II, cap. VIII, p. 331, § 96): "Quod de Phœnicibus tradit etiam Lucanus, et in Mexicanis nostris experti fuimus, qui si non litteris, imaginibus tamen, et figuris ea omnia, quæ sibi memoranda videbantur, significabant, et conservabant." The other is of recent date, being taken from a discourse delivered before the "Academia Mexicana," by my friend Señor *D. J. G. Icazbalceta* (*"Las Bibliotecas de Eguiara y de Beristain,"* p. 353 of No. 4. Vol. I, of *"Memorias de la Academia"*): "El antiguo pueblo que ocupaba este suelo no conocia las letras, y con eso está dicho que no podia tener escritores ni literatura. Su imperfectisimo sistema de representar los objetos é ideas, tenia que limitarse á satisfacer, hasta donde podia, las necesidades más urgentes de la sociedad, sin aspirar á otra cosa. Así es que no se empleaba sino en registrar los tributos de los pueblos, en señalar los límites de las